

Docket No. 67,064-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Jyawook, et al.
Serial No.: 10/077,427
Filed: 02/15/2002
Group Art Unit: 1771
Examiner: Vo, Hai
For: THERMOPLASTIC VEHICLE WEATHER STRIPPING

**DECLARATION UNDER 37 CFR 1.132
REGARDING COMMERCIAL SUCCESS**

I, Sam Jyawook, declare the following.

I am one of the coinventors of the invention that is the subject of United States Patent Application No. 10/077,427. I am the President and Chief Executive Officer of JYCO Sealing Technologies ("JYCO"), which is the assignee of this application.

JYCO is in the business of selling weather stripping seals for automotive vehicles. One of JYCO's products is a microcellular TPV material weather stripping seal made according to my invention that is the subject of this application. JYCO recently obtained a substantial purchase order from DaimlerChrysler for such a seal.

The claims of the patent application include the following:

1. A weather stripping for use in sealing an interface between selected portions of a vehicle, comprising:
 - a body portion that is adapted to be supported on a selected one of the vehicle portions; and
 - a sealing portion extending at least partially away from the body portion, the sealing portion and the body portion comprising the same thermoplastic material having a microcellular structure .
2. The weather stripping of claim 1, wherein the thermoplastic material comprises thermoplastic vulcanizate.

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15. A weather stripping for use in sealing an interface between selected portions of a vehicle, the weather stripping having a body portion that is adapted to be supported on a selected one of the vehicle portions and a sealing portion extending at least partially away from the body portion, made by the process comprising the steps of:

- melting a thermoplastic material;
- introducing a supercritical fluid into the melted thermoplastic material;
- forming a microcellular structure in the thermoplastic material using the supercritical fluid; and
- forming the entire weather stripping from the thermoplastic material having the microcellular structure.

16. The weather stripping of claim 15, wherein the thermoplastic material comprises thermoplastic vulcanizate.

The weather stripping seals that are the subject of the recent purchase order from DaimlerChrysler are consistent with our invention and satisfy at least the claims quoted above. I understand that there are other claims in the patent application that are also satisfied by those seals but I have not been asked to review those claims at this time or to comment on them. The seals that are the subject of this Declaration have a body made of TPV with a microcellular structure. I understand the language of the quoted claims. The seals that DaimlerChrysler has ordered from JYCO satisfy the requirements of the quoted claims.

Exhibit A attached to this Declaration is a copy of a purchase order no. 04204019, which shows an issued status date of February 18, 2004. According to the terms of that purchase order, an annual volume of 147,768 seals at \$5.40 per seal will result in almost \$800,000 in sales per year. This purchase order from DaimlerChrysler demonstrates that our invention is already commercially successful.

Exhibit B is an illustration of the seal that is the subject of the purchase order of Exhibit A.

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I believe that JYCO was awarded the purchase order of Exhibit A because of the superior performance provided by a weather strip seal made according to our invention.

I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I acknowledge that any willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

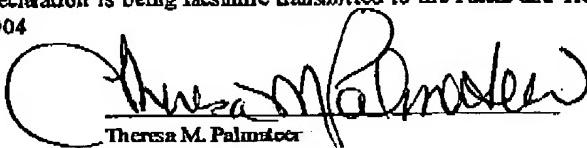


Sam M. Jyawook

Dated: March 24, 2004

CERTIFICATE OF FACSIMILE

I hereby certify that this Declaration is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 672-9306) on March 24, 2004



Theresa M. Palmerer

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03/24/2004 WED 15:10 FAX 12489888363 Carlson, Gaskey & Olds

007/010

Part Update

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EXHIBIT A

CHANGE NOTICE

[Home](#) [Change Notice](#) [IAA Process](#)

CN Home > Desk Organizer > CN Numbers > Part Numbers > Part Update

Category:Total User:S98229E

March 8, 2004

[Tool Detail](#) [Cost Remarks](#)

Supplier : 49435 JYCO SEALING TECHNOLOGIES

CN Number : 30908T00 Status/Date : ALL CNA ISSUED - 02/18/04

Effectivity : 2005 - S2 2004 - V-2

Part Number : 55364487AA Part Desc : SEAL ASSY - BODY SIDE UPR LT

Part Action : ADD Supersedence : S/S 55364098AB

Mfg. Supplier : 49435 - JYCO SEALING TECHNOLOGIES

Buyer : 122204 - R.E. SHERRILL

PO : 04204019 TPO : Annual Volume : 147768

Inquiry: [Update](#)

Updated By : S98229E Date Updated: 02/12/04

The Following Information Is Effective Until:

Funds: CA

Unit of Measure: EA

Serviceability:

Timing	Days From Decision	Calculated Date	Actual Date
Dim Warrant:			02/20/04 <input checked="" type="checkbox"/>
Lab Warrant:			02/20/04 <input checked="" type="checkbox"/>
Material Avail:			04/27/04 <input checked="" type="checkbox"/>
Cost	Committed	Low Range	High Range
Placer	5.4000		
Tool:	0		

The following costs do not generate payments:

Supplier E/O : 0

Supplier Other : 0

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<https://gsp.extra.daimlerchrysler.com/changenotice/TransManager>

3/8/2004

03/24/2004 WED 15:11 FAX 12489888363 Carlson, Gaskey & Olds

008/010

Part Update

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CHANGE NOTICE

[Home](#) [Change Notice](#) [IA&P Process](#)

CN Home > Task Organizer > CN Numbers > Part Numbers > Part Update

Category:Total User:S98229E

March 8, 2004

PART NUMBER UPDATE

[Tool Detail](#) | [Cost Remarks](#)

Supplier : 49435 JYCO SEALING TECHNOLOGIES

CN Number : 30908T00 Status/Date : ALL CNA ISSUED - 02/18/04

Effectivity : 2005 - S2 2004 - V-2

Part Number : 55364486AA , Part Desc : SEAL ASSY - BODY SIDE UPR RT

Part Action : ADD Supersedence : S/S 55364098AB

Mfg. Supplier : 49435 - JYCO SEALING TECHNOLOGIES

Buyer : 122204 - R.E. SHERRILL

PO : 04204019

TPO : T042040068

Annual Volume : 147768

Inquiry: Update

Updated By : S98229E Date Updated: 02/12/04

The Following Information Is Effective Until:



Funds: CA

Unit of Measure: EA

Serviceability:

Timing

Days From Decision

Calculated Date

Actual Date

Dim Warrant:

02/20/04

Lab Warrant:

02/20/04

Material Avail:

04/27/04

Cost

Committed

Low Range

High Range

Resolution

Piece: 5,4000

Tool: 64911

The Following Costs Do Not Generate Payments:

Supplier E/O : 0

Supplier Other : 0

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03/24/2004 WED 15:11 FAX 12489888363 Carlson, Gaskey & Olds

009/010

CHANGE NOTICE

[Home](#) [Change Notice](#) [IAA Process](#)

CN Home > Task Organizer > CN Numbers > IAA Process

Category:Total User:S98229E

March 8, 2004

INQUIRY COMPLETE - PLEASE PROCEED

Supplier : 49435 - JYCO SEALING TECHNOLOGIES

CN Number : 30908TQ0 Status/Date : ALL CNA ISSUED - 02/18/04

Locate :

[Inquiry](#)

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Piece Cost

Tool Cost

Part Number	Part Action	PCL RFQ	Supercedence	Comtd Range	Range Resolution	Comtd Dtl Range	Range Resolution
55364486AA	ADD	Y	55364098AB	5.4000		64911	X
<u>55364487AA</u>	<u>ADD</u>	<u>Y</u>	<u>55364098AB</u>	<u>5.4000</u>		<u>0</u>	<u>X</u>

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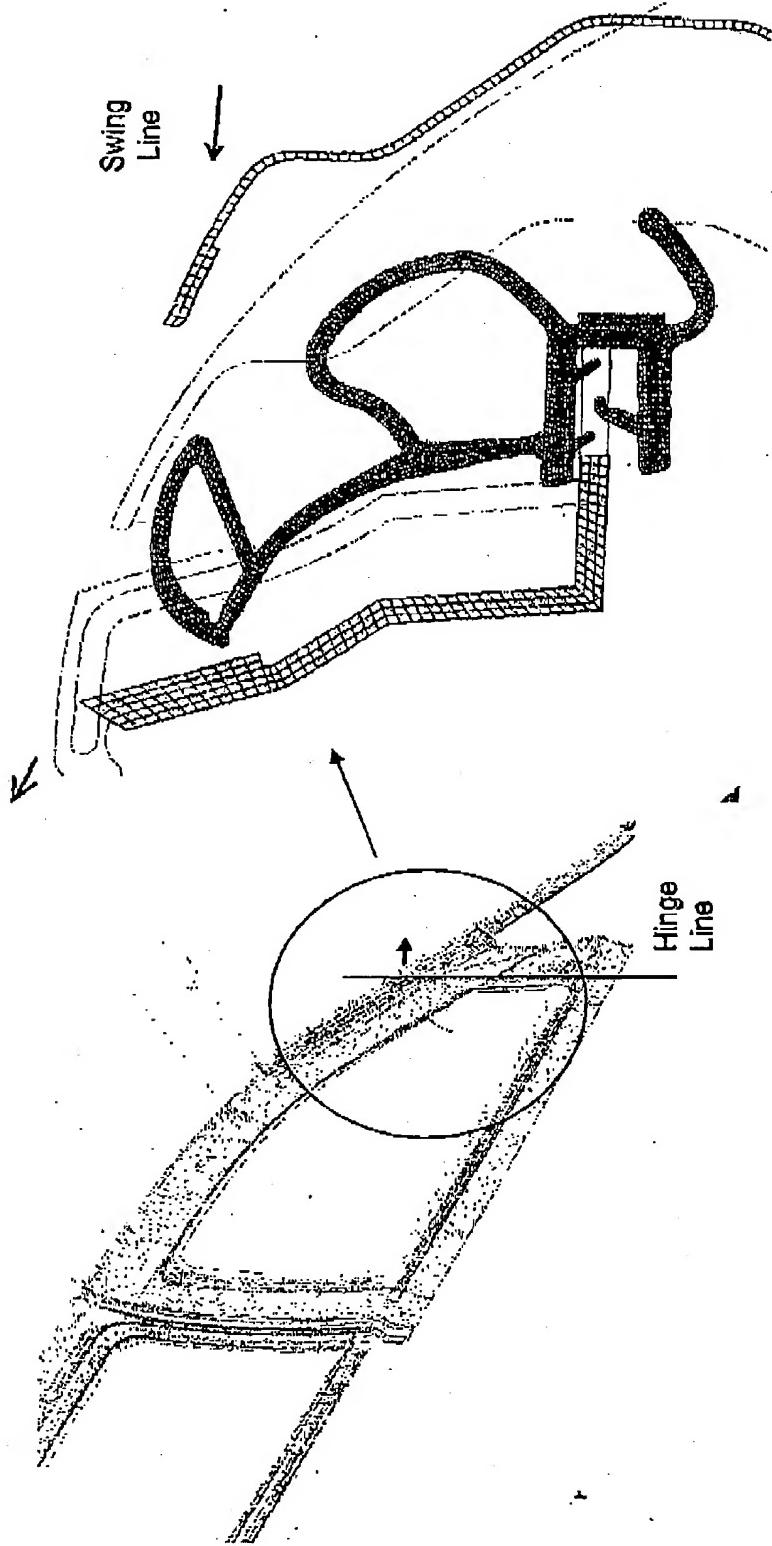
<https://gsp.extra.daimlerchrysler.com/changenotice/TransManager>

3/8/2004

A-Pillar Door Section – Swing Study Overview



EXHIBIT B



Door Swing Path

Projected to 2 Dimensions

12/8/03

Project Ref. No. 2003.062-3

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